

<p style="text-align: center;">CERTIFICATE OF MAILING 37 C.F.R. 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date below:</p> <p style="text-align: center;"><u>June 14, 2004</u> Date</p> <p style="text-align: center;"><u>Steven L. Highlander</u> Signature</p>
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Eric N. Olson et al.

Serial No.: 09/061,417

Filed: April 16, 1998

For: METHODS AND COMPOSITIONS FOR
THERAPEUTIC INTERVENTION IN
CARDIAC HYPERTROPHY

Group Art Unit: 1642

Examiner: M. Davis

Atty. Dkt. No.: MYOG:029US/SLH

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP: AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed March 18, 2004, finally rejecting claims 1, 4 and 9.

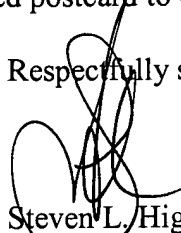
The fee for filing this Notice of Appeal is \$165 and is attached hereto.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an

overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/10017631/SLH.

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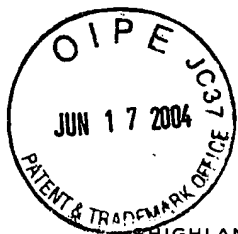
Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3184

Date: June 14, 2004



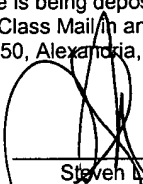
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Alexandria, VA 22313-01450

Re: Serial Number 09/061,417 entitled "METHODS AND COMPOSITIONS FOR THERAPEUTIC INTERVENTION IN CARDIAC HYPERTROPHY" Eric N. Olson et al.
(Client Ref. No. UTSMC/DAL:548)
Our ref: MYOG:029US

Commissioner:

Enclosed for filing in the above-referenced patent application is:

- (1) A Notice of Appeal From the Primary Examiner to the Board of Patent Appeals and Interferences;
- (2) A check for \$165.00 as the fee for the Notice of Appeal; and
- (3) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

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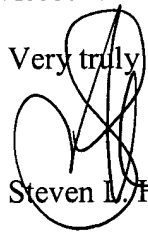
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June 14, 2004

Page 2

should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/MYOG:029US/SLH.

Very truly yours,

A handwritten signature in black ink, appearing to be "SLH", written over a circular stamp or seal.

Steven L. Highlander

SLH/cpj

Encl: As noted